

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa2168/1dn  
ARG:kjf:jf

January 25, 2006

ATTN: Tim Gary

Please review the attached draft carefully to ensure that it is consistent with your intent.

The attached amendment wouldn't actually change current law, but simply calls attention to the indicated provisions on evidence. The court still has discretion to determine whether the weight records satisfy the standard for admissibility under s. 904.06 (whether they show "habit or routine practice"). I note that these records held for 30 days would usually show overweight violations *unrelated* to the specific violation for which the person is being prosecuted. The weight scale records for the specific violation that is the subject of the prosecution is already admissible under s. 348.15 (5r). If you want to *require* a court to admit weight records unrelated to the specific violation being prosecuted, irrespective of the standard under s. 904.06, I should redraft this amendment to clearly achieve that result and to "notwithstanding" s. 904.06. I also note that, even though the weight records are to be kept for only 30 days, once they are obtained by a traffic officer, the records could be admitted under this amendment without any time limitation (although the more time that goes by, the less likely the records show "habit or routine practice" unless additional violations also occur).

Please let me know if you would like any changes made to the attached amendment or if you have any questions.

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